

IN THE SUPREME COURT

OF THE

STATE OF INDIANA

IN THE MATTER OF:

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CURTIS T. HILL, JR.

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Attorney No. 13999-20

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DISCIPLINARY COMPLAINT

The Indiana Supreme Court Disciplinary Commission (“the Commission”), having found reasonable cause to believe that Curtis T. Hill, Jr.’s acts, if proved, would warrant disciplinary action, by its Acting Executive Director, Charles M. Kidd, pursuant to Indiana Admission and Discipline Rule 23, Section 12, files and presents this Disciplinary Complaint against him. The Disciplinary Complaint is as follows:

I. Facts

1. Curtis T. Hill, Jr. (“the respondent”) is an attorney, in good standing, admitted to practice law in the State of Indiana on June 10, 1988.

2. At all relevant times herein, the respondent was the elected Attorney General of the State of Indiana (Indiana Code 4-6-1-2, *et seq.*), having assumed office on January 9, 2017.

3. The Indiana legislative regular session for 2018 ended around midnight, March 14, 2018.

4. At the conclusion of the 2018 regular Indiana legislative session, a gathering of legislators, staff and lobbyists was held at AJ’s Lounge in Indianapolis. This customary gathering is known by legislators, staff and lobbyists as “*sine die*” or the “*sine die party*” (hereinafter “*sine die event*”).

5. The respondent attended the *sine die* event at AJ's Lounge arriving in the late evening of March 14, 2018.

A. Representative Mara Candelaria Reardon

Battery 1

6. Representative Mara Candelaria Reardon ("Candelaria Reardon") attended the *sine die* event held at AJ's Lounge, arriving March 15, 2018, sometime after the end of the 2018 regular legislative session.

7. During the *sine die* event, the respondent approached Candelaria Reardon, placed his hand on her bare back (Candelaria Reardon was wearing a backless dress), rubbed his hand down her bare back and grabbed or touched Candelaria Reardon's buttocks.

8. Candelaria Reardon did not consent to the respondent touching her, rubbing his hand down her back or touching or grabbing her buttocks.

9. Candelaria Reardon told the respondent to "back off" or otherwise expressed her displeasure.

10. By his conduct in placing his hand on Candelaria's bare back, rubbing his hand down Candelaria Reardon's back and touching or grabbing her buttocks without her consent, the respondent committed the criminal act of battery, a class B misdemeanor, as set forth in Indiana Code 35-42-2-1(c),

Battery 2

11. Sometime later at the *sine die* event, the respondent approached Candelaria Reardon and touched her bare back while stating to her, "that skin" and "that back" or some similar phrase.

12. By his conduct in touching Candelaria Reardon's back a second time without her consent, while commenting on her skin and/or her back, the respondent committed the criminal act of battery, a class B misdemeanor, as set forth in Indiana Code 35-42-2-1(c).

B. Gabrielle McLemore

Battery

13. In March 2018, Gabrielle McLemore ("McLemore") was a legislative employee.

14. After the regular legislative session ended around midnight on March 14, 2018, McLemore attended the *sine die* event at AJ's Lounge.

15. While McLemore was sitting on a stool near the bar at AJ's Lounge and talking with colleagues, the respondent came up beside McLemore and asked, "Do you know who I am?" or some similar phrase.

16. The respondent rubbed McLemore's back and continued to do so for a significant period of time.

17. McLemore did not consent to the respondent touching her or rubbing her back.

18. McLemore was uncomfortable and embarrassed by the respondent's actions.

19. After mouthing the words "help me" to a friend, McLemore was able to move away from the respondent.

20. McLemore was upset by the respondent's unconsented touching and she told another legislative staff person that night what had happened.

21. By his conduct in rubbing McLemore's back without her consent, the respondent committed the criminal act of battery, a class B misdemeanor, as set forth in Indiana Code 35-42-2-1(c).

C. Samantha Lozano

Battery

22. In March 2018, Samantha Lozano (“Lozano”) was a legislative assistant for Representative Mara Candelaria Reardon.

23. Lozano attended the *sine die* event with Candelaria Reardon.

24. Sometime during the *sine die* event, the respondent approached Lozano and asked her if she knew who he was.

25. Lozano informed the respondent that she knew who he was and had attended school with the respondent’s daughter.

26. When Lozano made a comment about it being hot, the respondent stated, “yes, you are really hot,” or some similar phrase.

27. While Lozano was at or near the bar of AJ’s Lounge, the respondent wrapped his arm around Lozano’s waist and pulled her close to him.

28. Lozano did not consent to the respondent touching her, grabbing her around the waist or pulling her close to him.

29. Lozano was able to move away from the respondent when another person moved in between Lozano and the respondent.

30. By his conduct in putting his arm around Lozano’s waist and pulling her toward him without her consent, the respondent committed the criminal act of battery, a class B misdemeanor, as set forth in Indiana Code 35-42-2-1(c).

D. Niki DaSilva

Battery / Sexual Battery

31. In March 2018, Niki DaSilva (“DaSilva”) was a legislative assistant for Indiana Senator Ryan Mishler.

32. After the regular legislative session ended around midnight March 14, 2018, DaSilva attended the *sine die* event.

33. At some point during the *sine die* event, the respondent approached a group of women, including DaSilva, and suggested to them that to get drinks they needed to “show some skin” or some similar phrase.

34. At some point during the *sine die* event, the respondent put his hand on DaSilva’s back and moved it down her back.

35. DaSilva did not consent to the respondent touching her or moving his hand down her back.

36. When the respondent moved his hand down her back, DaSilva attempted to brush the respondent’s hand away.

37. The respondent then grabbed DaSilva’s wrist and forcibly moved DaSilva’s hand toward her buttocks, by which conduct the respondent touched DaSilva’s buttocks with his hand and pressed or held it against her.

38. The respondent eventually let go of DaSilva’s wrist and she moved away.

39. By his conduct in using force to compel DaSilva to submit to the unconsented touching of her back and buttocks, the respondent committed the criminal act of sexual battery, a level 6 felony, as set forth in Indiana Code 35-42-4-8(a). Alternatively, the respondent, by touching DaSilva on her back, moving his hand down her back and touching her buttocks,

without her consent, the respondent committed the criminal act of battery, a class B misdemeanor, as set forth in Indiana Code 35-42-2-1(c).

II. Rule Violations

40. By his foregoing conduct, the respondent committed criminal acts, each of which reflects adversely on his honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b) of the Rules of Professional Conduct for Attorneys at Law.

41. By his foregoing conduct, the respondent engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d) of the Rules of Professional Conduct for Attorneys at Law.

42. By his foregoing conduct in touching Candelaria Reardon, McLemore, Lozano and DaSilva, and each of them, and in making rude and sexually suggestive comments, the respondent engaged in offensive personality in violation of Rule 22 of the Indiana Rules of Admission and Discipline.

III. Aggravating Factors

43. The respondent is the chief legal officer for the State of Indiana. As the elected Attorney General, the respondent holds a position of extreme public trust and his office touches on virtually all areas of state government. As a government lawyer, the respondent has a heightened duty of ethical conduct that is long established in Indiana ethics law.

44. The respondent's ethical violations and offensive conduct reflect poorly on the legal profession and does incalculable harm to the public perception of the Attorney General's office and all the state agencies it represents.

45. The respondent has substantial experience in the practice of law including many years as the elected Prosecuting Attorney for Elkhart County.

46. The respondent engaged in a pattern of misconduct.

47. The respondent has denied responsibility for his actions. When first confronted by legislative leaders about the conduct at the *sine die* event, the respondent admitted repeatedly that he had had too much to drink or words to that effect. Thereafter, the respondent changed his story and claimed that he was not inebriated. The respondent has held public news events in his role as Attorney General in which he denounced the allegations as untrue and implied the victims falsified their accounts. Later, the respondent portrayed the victims as mistaken or misperceiving his conduct.

48. The respondent lacks remorse for his misconduct.

49. The respondent's conduct caused actual or potential injury to his victims and their future careers by forcing them to choose between reporting his conduct or remaining silent. Three of the respondent's four victims were women in their early 20's, had just begun their careers in government, and were subject to sexual misconduct by a powerful state official.

50. The respondent acted with the selfish motive to arouse his sexual desires.

WHEREFORE, the Acting Executive Director prays that the Respondent be disciplined as warranted for professional misconduct, and that he be ordered by the Court to pay such expenses to the Clerk of the Court as shall be prepared and submitted to the Court by the Acting Executive Director as an itemized statement of expenses allocable to this case incurred in the course of investigation, hearing and review procedures, pursuant to Indiana Admission and Discipline Rule 23, Section 16.

Respectfully submitted,



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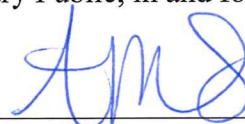
STATE OF INDIANA)
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COUNTY OF MARION) SS:

Charles M. Kidd, being duly sworn upon his oath, deposes and says that he is the Acting Executive Director of the Disciplinary Commission of the Supreme Court of Indiana, that he makes this affidavit as Acting Executive Director of the Disciplinary Commission, and that the facts set forth in the above and foregoing Disciplinary Complaint are true as he is informed and believes.



Charles M. Kidd

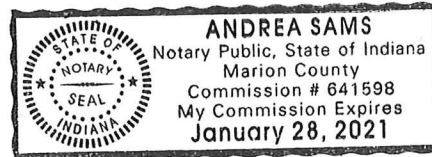
Subscribed and sworn to before me, a Notary Public, in and for said County and State,
this 19 day of March 2019.



Notary Public

My Commission Expires: 1-28-2021

County of Residence: Marion



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Disciplinary Complaint was filed via the Supreme Court e-file system and deposited in the United States Mail, certified, postage prepaid, on this 19 day of March 2019, addressed to the following:

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Indianapolis, IN 46204

Donald R. Lundberg
Lundberg Legal
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